

## **REMARKS**

### **Status of the Claims**

Upon entry of the instant amendment, claims 1-14 remain pending in the above-identified application, with claims 8-14 standing ready for further action on the merits, and remaining claims 1-7 being withdrawn from consideration based on an earlier restriction requirement of the Examiner.

In this response, claim 8 has been amended to delete the phrase *"compositions containing a synthetic resin, moisture-controlled material."* The present amendments to the claims do not introduce new matter into the application as originally filed. Further, the instant amendment does not raise substantial new issues for the Examiner's consideration nor require further search on the Examiner's part. At the same time, the instant amendments place the pending claims in condition for allowance and into a more proper format for issuance in a United States patent, by overcoming all outstanding rejections of record.

As such entry of the instant amendment and favorable action on the merits is earnestly solicited at present.

### **Claim Rejections Under 35 U.S.C. §§ 102 and 103**

Claims 8-11 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP '086 (JP 2001-179086). Claim 14 is rejected under 35 U.S.C. § 103(a) as obvious over JP '086. The rejections are respectfully traversed. Reconsideration and withdrawal thereof are requested based on the following considerations.

*Distinctions and Nonobviousness over the Cited Reference*

As currently recited in claim 8, the present invention is directed to the method for imparting adsorbability of moisture- or a protein to a material by adding a moisture- or protein-adsorbability imparting agent to a material selected from the group consisting of food wrapping materials, filtration aid agents, sanitary articles, covering materials for wounds, insulation substrates, coating materials for semiconductor devices, cosmetics, and compositions containing synthetic fibers, wherein the moisture- or protein-adsorbability imparting agent comprises a porous silica having a hexagonal pore structure, an average pore size of from 0.8 to 20 nm, an average particle size of 50 nm to 100  $\mu\text{m}$ , a specific surface area of from 400 to 2000  $\text{m}^2/\text{g}$ , and a pore volume of from 0.1 to 3.0  $\text{cm}^3/\text{g}$ . It is noted that the phrase "*compositions containing a synthetic resin, moisture-controlled material*" is deleted in order to further define the present invention over the cited reference.

It is alleged in the Office Action that JP '086 discloses a composition containing a synthetic resin such as PVA and a moisture-controlled material.

However, JP '086 fails to disclose or suggest the claimed material (*i.e.*, food wrapping materials, filtration aid agents, sanitary articles, covering materials for wounds, insulation substrates, coating materials for semiconductor devices, cosmetics, and compositions containing synthetic fibers).

Therefore, the present invention is not anticipated by JP '086. Further, there is no rationale and/or reasonable expectation of success based on JP '086 alone, by which one skilled in the art could arrive at the present invention as claimed, since the cited reference fails to disclose or suggest each of the instantly claimed features, as explained above. Thus, it is submitted that the present invention is not obvious over JP '086.

Based on the foregoing considerations, Applicants respectfully request that the Examiner withdraw the rejection.

#### **Allowable Subject Matter**

The Examiner states that claim 12 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the early indication of allowable subject matter in this application. Since claim 1 is patentable over JP '086, as explained above, dependent claim 8 is also patentable.

#### **Conclusion**

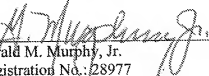
Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims is allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Toyohiko Konno, Reg. No. L0053 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By   
Gerald M. Murphy, Jr.  
Registration No.: 28977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
703-205-8000